



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ROBERT DAVID SMITH, Jr.,
a/k/a Robert Davis Smith, Jr.,
Plaintiff,

vs.

TIM CONROY, Detective,
Defendant.

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CIVIL ACTION NO. 6:15-2866-MGL-JDA

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING THE ACTION
WITHOUT PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the case be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 28, 2015, and the Clerk of Court entered Plaintiff's objections to the Report on September 10, 2015. The Court has reviewed the objections, but finds them without merit. Therefore, it will enter judgment accordingly.

Plaintiff's objections generally consists of nothing more than a reiteration of the issues that the Magistrate Judge has already considered and rejected. Inasmuch as the Court agrees with the Magistrate Judge's analysis of these issues, it need not spill any more ink discussing them for a second time here. Hence, Plaintiff's objections will be overruled.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that the case is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 30th day of November, 2015, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.